

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

-vs-

NICHOLS GAS & OIL, INC., and
TOWNSEND OIL CORPORATION
d/b/a TOWNSEND OIL & PROPANE,

Defendants.

**DECLARATION OF
JAMES S. WOLFORD, ESQ.**

Civil Action No.: 05-CV-6482 (CJS)

JAMES S. WOLFORD, hereby declares under penalty of perjury as follows:

1. I am an attorney admitted to practice before this Court and a partner with The Wolford Law Firm LLP, attorneys for defendant Townsend Oil Corporation, d/b/a Townsend Oil & Propane (hereinafter "Townsend Oil").

2. I submit this affidavit in response to this Court's June 27, 2008 Order (Docket #53) requesting that a sealing application be made in connection with Townsend Oil's Motion to Compel the production of certain medical and mental health records (hereinafter "Motion to Compel"), filed under seal on June 23, 2008 (Docket #51), and in support of Townsend Oil's motion pursuant to Rule 5.4 of the Local Rules of the United State District Court for the Western District of New York for an Order: a) sealing all medical and mental health documents of the claimants; b) sealing all documents related to the Townsend Oil or Nichols Gas & Oil's (hereinafter "Nichols Gas") financial records; c) sealing the Motion to Compel; and d) for such other further relief as the Court deems appropriate.

3. All parties have agreed that the above-referenced documents will remain confidential throughout the course of discovery.

4. The parties all agree that any of the documents referencing the claimants' medical or mental health records produced during discovery are of a privileged nature and, therefore, should remain confidential.

5. Further, the parties all agree that any financial documents produced during the course of discovery by Townsend Oil and/or Nichols Gas are of a privileged nature and, therefore, should remain confidential.

6. Finally, the parties all agree that the Motion to Compel contains documents and/or references of a privileged nature and, therefore, the Motion to Compel shall remain confidential. Furthermore, any papers with exhibits filed in support of said Motion to Compel or in opposition to said Motion to Compel, shall also remain confidential.

7. Pursuant to the parties' agreement, Townsend Oil moves for an Order sealing these documents. Attached hereto as **Exhibit A** is a proposed Order.

8. Townsend Oil, and all parties, respectfully request such confidential documents and the Motion to Compel remain under seal.

Dated: July 9, 2008

By: s/ James S. Wolford
James S. Wolford